

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

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PLMI

FILE: B-194969

DATE: October 30, 1979

MATTER OF: C. Eugene Clarke - *[Claim For]* Retroactive Promotion *[ ]*

**DIGEST:** There is no entitlement to retroactive promotion based on agency's failure to promote employee to GS-15 following the alleged reclassification of his GS-14 position. While action was initiated to reclassify the claimant's position upward to GS-15, the final decision was to retain the position at GS-14. There is no indication that action was ever effective to reclassify the position at GS-15 grade level and the CSC determined that agency's administrative procedure did not violate any law or regulation.

This decision responds to the request of Mr. C. Eugene Clarke for reconsideration of our Claims Division's disallowance (Z-2806421) of his claim for a retroactive promotion based upon an agency reclassification of his position to a higher grade.

The issue is whether Mr. Clarke's employing agency, the Agency for International Development (AID), changed his position classification from GS-14 to GS-15 on February 18, 1976, and improperly failed to promote him to or remove him from the reclassified position within a reasonable time contrary to the holding in 53 Comp. Gen. 216 (1973).

Mr. Clarke was an Administrative Officer, GS-341, grade level GS-14, in AID's Office of the Auditor General, when on March 12, 1976, action was initiated to reclassify the position to grade level GS-15. Two identical draft position descriptions were prepared, one assigned grade level GS-15 and the other GS-14. The GS-15 position description was initially approved by a classification specialist on February 18, 1976. However, on April 15, 1976, based on a further classification review indicating that the position was properly classified at GS-14, AID's Director, Office of Personnel and Manpower, made a final decision to retain Mr. Clarke's position at grade level GS-14. There is no indication in the record that the initial determination to reclassify the position at the GS-15 level ever became effective as a final, binding classification action establishing the position at that grade.

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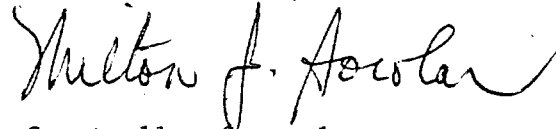
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Without reclassification to a higher grade, our decision in 53 Comp. Gen. 216 (1973), requiring a retroactive promotion based on the agency's failure to promote the employee to the upgraded position is inapplicable.

We note that the U.S. Civil Service Commission, after its investigation, found no personnel action or justification for promotion because AID had prepared two position descriptions. The Commission found no violation of the laws or regulations it administered.

Accordingly, our Claims Division's disallowance is sustained.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General  
of the United States